



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,368	06/15/2001	Amir Aliabadi	INFS117535	6711

26389 7590 08/30/2004

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC  
1420 FIFTH AVENUE  
SUITE 2800  
SEATTLE, WA 98101-2347

EXAMINER

GART, MATTHEW S

ART UNIT PAPER NUMBER

3625

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/882,368

Applicant(s)

ALIABADI ET AL.

Examiner

Matthew s Gart

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

Claims 1-15 are pending in the instant application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Miller U.S. Patent Application Publication US 2002/0002496.**

Referring to claim 1. Miller discloses a method for collecting product data to provide uniform searching, viewing and purchasing of products over a network, comprising:

- Retrieving, via a host computer, new product data from a plurality of providers (paragraph 0136);
- Determining, via said host computer, that a first portion of said new product data may be entered with stored product data based on data types (Figure 2 and paragraph 0140, "The information found during the search is placed on a website in operation **606.**");

Art Unit: 3625

- Integrating, via said host computer, said first portion with said stored product data (Figure 2 and paragraph 0136 through paragraph 0140);
- Determining that a second portion of said new product data may not be entered with said stored product data (paragraph 0142, "As an option, the product information can include links to content items relating to the products."); and
- Adding said second portion to a buffer (paragraph 0150, "...at least a portion of the list is output to a user or to a data store for later retrieval and/or viewing.").

Referring to claim 2. Miller further discloses a method wherein said providers comprise merchants (abstract).

Referring to claim 3. Miller further discloses a method wherein determining that said first portion may be entered with said stored product data comprises matching product producer names and product producer product identifiers from said first portion to product producer names and product producer product identifiers from said stored product data (paragraph 0158).

Referring to claim 4. Miller further discloses a method wherein determining that said first portion may be entered with said stored product data comprises matching product SKUs from said first portion to product SKUs in said stored product data (Figure 3a, Figure 3b, and Figure 15).

Referring to claim 5. Miller further discloses a method wherein said providers comprise canonical suppliers (paragraph 0158).

The Examiner notes, the type of supplier does not contribute structurally to the claimed device since the type of supplier is not related to how the method is being

Art Unit: 3625

performed. The type of supplier can be categorized as non-functional descriptive language and is given little patentable weight.

Referring to claim 6. Miller further discloses a method wherein said providers comprise merchants and canonical suppliers (paragraph 0158).

The Examiner notes, the type of supplier does not contribute structurally to the claimed device since the type of supplier is not related to how the method is being performed. The type of supplier can be categorized as non-functional descriptive language and is given little patentable weight.

Referring to claim 7. Miller further discloses a method comprising indexing said stored product data and forwarding said indexed stored product data to at least one searchable database (paragraph 0158 to paragraph 0162).

Referring to claim 8. Miller further discloses a method wherein said at least one searchable database has at least one mirrored database (paragraph 0158 to paragraph 0162).

Referring to claim 9. Miller further discloses a method wherein said indexed stored product data comprises index meta-data and indexed data (paragraph 0158 to paragraph 0162).

Referring to claim 10. Miller further discloses a method of wherein said at least one searchable database is load balanced with at least one mirrored database (paragraph 0158 to paragraph 0162).

Referring to claim 11. Miller further discloses a method comprising updating at least one priced products database with said stored product data (paragraph 0150).

Art Unit: 3625

Referring to claim 12. Miller further discloses a method comprising examining said buffer and determining that at least one entry in said buffer contains product data that may be entered with said stored product data (paragraph 0150).

Referring to claim 13. Miller further discloses a method comprising categorizing said at least one entry (paragraph 0158 to paragraph 0162).

Referring to claim 14. Miller further discloses a computer readable medium containing at least one component for performing the method of any of claims 1-13 (Figure 1).

Referring to claim 15. Miller further discloses a computer implemented system comprising at least operative to perform the method of any of claims 1-13 (Figure 1).

### ***Response to Arguments***

Applicant's arguments filed 8/13/2004 have been fully considered but they are not persuasive.

The Attorney argues that Miller discloses receiving product data from a plurality of providers, but Miller does not disclose retrieving product data from a plurality of providers. The Attorney further argues that receiving product data from a plurality of providers requires some action by the providers, and retrieving, on the other hand, does not necessarily require action from the providers.

The Examiner notes, paragraph 0045 of Miller discloses a system and method for receiving a representation of a bar code scanned by a user. Upon receipt of the bar

Art Unit: 3625

code or bar code representation, the system retrieves one or more pieces of information concerning a product, a document, or other item (e.g., an identification tag, a part or piece of equipment, a coupon, a license, a form, a manual or book, etc.) that corresponds to or is associated with the bar code. For example, when a bar code appearing on a consumer product is scanned and received at the system, a description of that product or other information such as a hyperlink to an electronic location containing additional details concerning the product may be returned. In particular, an electronic commerce opportunity might be offered.

The Examiner further notes, paragraph 0058 of Miller discloses that after a user provides one or more bar code representations to the system, a description of the item (e.g., name of a product, title of a document) is retrieved for display to the user along with the related information. Thus, the user may be presented with various information concerning an item he or she is interested in along with links to additional information concerning the same item or an alternative item (e.g., where to buy, cost).

The Attorney argues that Miller does not disclose a process for determining if data retrieved from a website may be integrated with existing data in a database.

The Examiner notes, paragraph 0074 of Miller discloses in one embodiment, a second database that may be termed a code database. Illustratively, the code database associates a bar code representation with an appropriate link (e.g., a hyperlink to an Internet URL) concerning an item that corresponds to the bar code. The link for a particular item may take the user to the web site of a manufacturer or vendor of that item or a particular page within the web site that addresses the item. Item

Art Unit: 3625

descriptions, reviews, summaries, and other information concerning the item may also be stored in the code database. A primary function of the code database may be to identify a URL that is pertinent to an item whose bar code was scanned by a user.

The Attorney argues that Miller does not disclose a process for determining how data retrieved from a website may be integrated with existing data in a database.

The Examiner notes, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., determining how data retrieved from a website may be integrated with existing data in a database) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 1 does not recite how this determination step is being performed, only that it is performed.

The Attorney argues that Miller does not disclose or suggest the logic required to determine if a portion of new data should not be entered with the stored product data, and instead, such data should be placed in a buffer.

The Examiner notes, Miller does disclose a system or method wherein an identity of a product is captured in operation upon the selection of a button. The identities of the products are placed in a list; at least a portion of the list is output to a user or to a data store for later retrieval (entered into a buffer) and/or viewing.



***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

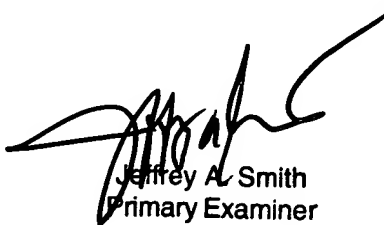
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew s Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG  
August 24, 2004



Jeffrey A. Smith  
Primary Examiner